IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO. 4305/1998

SATISH KUMAR SHARMA Vs. THE STATE OF RAJASTHAN & ORS.

Date: 15.12.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Banwari Sharma for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

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The short controversy in this writ petition is that the petitioner applied for the post of Constable and has not disputed this fact that 30 posts of Constable in Dausa District were advertised on 26.07.96 and as per the merit list prepared by the respondents, the petitioner's name find place at S.No. 30, but was not selected and given appointment on the post of Constable as the petitioner was not having a requisite qualification.

The petitioner referred S.No.5 of Schedule-I appended with the Rajasthan Police Subordinate Service Rules, 1989, according to which for Constable the qualification for direct recruitment is Secondary or Xth Class passed or equivalent thereof from a recognised School/Examining Body and 100% by direct recruitment.

At the time of issuance of notice, this Court vide ex parte interim order dated 26.08.98 ordered to keep one post of Constable vacant till the decision of the writ petition.

It is also the case of the respondents that 5 posts of Constable remain unfilled as the candidates are not found suitable. As regards petitioner, as he did not acquire requisite qualification, therefore, he was not given appointment.

On the contrary, the petitioner is able to show that he possessed the qualification of Secondary which is the requisite qualification as per the rules and he is entitled to be considered against the vacancies.

In view of the aforesaid observations, the respondents are directed to consider the case of the petitioner against the post which is kept vacant pursuant to the interim order of this Court dated 26.08.98 and if the petitioner is acquiring requisite qualification and otherwise found suitable to be given appointment on the post of Constable after lapse of 8 years, the same may be given.

The writ petition stands disposed of.

(K.S. RATHORE),J.

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